

Message Text

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DRAFTED BY L/ARA:DAGANTZ

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IRS:NPAUL (SUB)

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R 302250Z JAN 75

FM SECSTATE WASHDC

TO AMEMBASSY LIMA

UNCLAS STATE 022150

E.O. 11652:

TAGS: BDIS, EIND, EFIN, PE

SUBJECT: SOCIAL SECURITY FOR FORMER EMPLOYEES OF CERRO

REF: LIMA 9614 (NOVEMBER 14, 1974)

LIMA 10269 (DECEMBER 4, 1974)

1. DEPT HAS CONSULTED WITH SOCIAL SECURITY ADMINISTRATION AND INTERNAL REVENUE SERVICE CONCERNING PROBLEM OF FORMER US-CITIZEN EMPLOYEES OF CERRO THAT WISH TO REMAIN INCLUDED WITHIN US SOCIAL SECURITY SYSTEM. (SEE REFTELS AND RELATED MATERIALS POUCHED DEPT NOVEMBER 14, 1974.) WE ARE ADVISED THAT US CITIZENS WORKING OUTSIDE THE UNITED STATES WOULD BE COVERED ONLY IF THEY ARE EMPLOYEES OF AN AMERICAN EMPLOYER. (SEE LICHTMAN LETTER TO HECKLE OF SEPTEMBER 17.) AS CERRO IS NOW AN ENTITY OF THE GOVERNMENT OF PERU THESE PERSONS NO LONGER FALL WITHIN THE CRITERIA.

2. WE ALSO EXPLORED POSSIBILITY OF SOME VOLUNTARY ARRANGEMENT THROUGH WHICH EMPLOYEES WOULD IN EFFECT BE TREATED AS SELF-EMPLOYED AND WOULD MAKE CONTRIBUTION TO SYSTEM. UNFORTUNATELY THERE IS NO PROVISION IN LAW OR REGULATIONS FOR SUCH INCLUSION EXCEPT POSSIBLY FOR PERSONS OUTSIDE THE UNITED STATES THAT ARE ACTUALLY SELF-EMPLOYED. (SEE 26 USC 3121(B)11, 3121(H), 1402(C)(2)(C).)

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3. UNDER THESE CIRCUMSTANCES WE SEE LITTLE HOPE FOR
CONTINUED INCLUSION OF THESE EMPLOYEES UNDER US SOCIAL
SECURITY SYSTEM. THEY ARE IN ESSENTIALLY THE SAME
POSITION AS ANY OTHER US CITIZEN WORKING ABROAD FOR A
PRIVATE NON-US COMPANY. KISSINGER

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